

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
CLARKSBURG**

PAMELA McCAULEY,

Plaintiff,

Case No. 1:13-cv-9 (Keeley)
(Formerly Monongalia County Civil Action No. 12-C-8 23

v.

Electronically Filed: January 17, 2013

**AMEDISYS HOLDING, L.L.C. and
TIFFANY JONES, individually and
in her capacity as Area Vice President
for Amedisys Holding, L.L.C.,**

Defendants.

DEFENDANTS' JOINT NOTICE OF REMOVAL

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1441, 1446, 1331, and 1367, the Defendants, Amedisys Holding, LLC and Tiffany Jones, ("Defendants") hereby give notice of removal of the above-captioned matter, Civil Action No. 12-C-823, formerly pending in the Circuit Court of Monongalia County, West Virginia, to the United States District Court for the Northern District of West Virginia. In support of removal, the Defendants state as follows:

1. This Joint Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b) in that it is being filed within thirty (30) days of the first date Defendants were served with a copy of the Complaint. The Complaint was served upon both Defendants on December 19, 2012.

2. The Circuit Court of Monongalia County is located within the Northern District of West Virginia.

3. Pursuant to 28 U.S.C. § 1446(a), copies of all process and pleadings served upon the Defendants, along with a certified copy of the State Court Docket Sheet are attached hereto as Exhibit A.

4. Pursuant to 28 U.S.C. § 1446(d), a copy of this Joint Notice of Removal, along with a Notice of Filing of Joint Notice of Removal is being sent to the opposing party and filed with the Clerk of the Circuit Court of Monongalia County, West Virginia. A copy of the Notice of Filing of Joint Notice of Removal is attached hereto as Exhibit B.

5. By filing this Joint Notice of Removal, Defendant does not waive any available defenses.

6. Defendant Amedisys Holding, LLC is incorporated in the State of Louisiana and is headquartered and domiciled in Baton Rouge, Louisiana. Defendant Tiffany Jones is a resident of Clarington, Ohio.

7. This Court has original jurisdiction pursuant to 29 U.S.C. § 1332 as there is complete diversity of citizenship between the Plaintiff, a resident of West Virginia, and Defendants who are residents and/or domiciled in the states of Ohio and Louisiana, and the amount in controversy exceeds \$75,000.00 exclusive of interests and costs. (Compl. ¶¶ 15, 16, 17 & 18 and Prayer for Relief ¶¶ 2 & 3).

WHEREFORE, the Defendants jointly pray that the aforementioned civil action be removed from the Circuit Court of Monongalia County, West Virginia to the United States District Court for the Northern District of West Virginia and that said court proceed no further with said action.

Dated: January 17, 2013

/s/AnnaM.Dailey

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CounselforTiffanyJones

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Plaintiff,

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in her capacity as Area Vice President
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Defendants.

CERTIFICATE OF SERVICE

I, Anna M. Dailey, hereby certify that I electronically filed the foregoing **Defendants' Joint Notice of Removal** with the Clerk of the Court using the CM/ECF system and hereby certify that I served a copy of the foregoing **Defendants' Joint Notice of Removal** on the following counsel of record via United States mail, postage prepaid, this the 17th day of January, 2013:

J. Bryan Edwards, Esquire
Cranston & Edwards, PLLC
Dorsey Avenue Professional Building
1200 Dorsey Avenue, Suite II
Morgantown, WV 26505

/s/ Anna M. Dailey _____
Anna M. Dailey (WV State Bar #4525)